

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT HOLMES, *et al.*,

Plaintiffs,

v.

YCT. NOVA, *et al.*,

Defendants.

Case No. C16-1422RSL

ORDER DENYING MOTION FOR  
SERVICE BY MAIL

This matter comes before the Court on “Plaintiff’s Motion for an Order to Allow Service by Mail.” Dkt. # 28. Plaintiff seeks permission to serve Jody Frye, the wife of defendant Stephen Yadvish, by mail rather than by publication. Ms. Frye is not a defendant in this action, however. Summons should be “directed to the defendant.” Fed. R. Civ. P. 4(a)(1)(B). Plaintiff offers no authority or legal justification for his attempt to serve a persons against whom no claim is asserted but who might have an interest in the proceeding.

To the extent plaintiff has asserted claims against the marital community of Jody Frye and Stephen Yadvish, service of process on Mr. Yadvish, the named defendant, is sufficient to obtain jurisdiction over the marital community. Oil Heat Co. of Port Angeles, Inc. v. Sweeney, 26 Wn. App. 351, 356 (1980). Under Washington law, Mr. Yadvish has the power to act on behalf of the marital community and is therefore charged with

1 protecting its interests in this litigation. RCW 26.16.030. If, despite his best efforts, a  
2 judgment is entered against him and the liability was incurred during his marriage to Ms.  
3 Frye, a presumption arises that the debt is owed by the community. Oil Heat, 26 Wn.  
4 App. at 333. Plaintiff may thereafter garnish community accounts or execute on  
5 community assets: any objections to the proper characterization of assets as community or  
6 separate will be heard at that time.

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8 For all of the foregoing reasons, the Court finds that service on Ms. Frye is  
9 unnecessary, and plaintiff's request for leave to serve by mail is DENIED.

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11 Dated this 3rd day of February, 2017.

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13 Robert S. Lasnik  
14 United States District Judge  
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